UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEFFREY D. REYNOLDS,

Plaintiff,

13-CV-1003 (HB)

-against-

XEROX EDUCATION SERVICES, INC., f/k/a ACS EDUCATION SERVICES, INC. and WELLS FARGO BANK, N.A.,

NOTICE OF MOTION

Defendants.

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, dated June 14, 2013; the accompanying Declaration of Robin L. Muir in Support of Defendants' Motion to Dismiss, dated June 14, 2013; and all prior pleadings and papers filed in this action, Defendants Xerox Education Services, LLC, sued herein as Xerox Education Services, Inc. f/k/a ACS Education Services, Inc. and Wells Fargo Bank, N.A., by their respective undersigned counsel, will jointly move at the U.S. Courthouse, located at 500 Pearl Street, New York, New York 10007, before the Honorable Harold Baer, U.S. District Court Judge, on a date and time to be determined by the Court, for an Order as follows: (1) dismissing the claims asserted against them by Plaintiff Jeffrey D. Reynolds ("Plaintiff") in his Complaint filed on February 13, 2013, pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure ("FRCP"), for improper venue, and under the doctrine of *forum non conveniens*; or, in the alternative, (2) transferring this action to the Northern District of New York or the Western District of Virginia, pursuant to 28 U.S.C. § 1404(a); or, in the alternative, (3) dismissing Plaintiff's unjust enrichment claim, pursuant to FRCP Rule 12(b)(6).

New York, New York June 14, 2013

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Counsel for Defendant Wells Fargo Bank, N.A.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June, 2013, I caused the foregoing Notice of Motion, dated June 14, 2013, the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, dated June 14, 2013, and the accompanying Declaration of Robin L. Muir in Support of Defendants' Motion to Dismiss, dated June 14, 2013 to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice to all appearing parties. Parties may access this filing through the Court's ECF System.

/s/ Robin L. Muir Robin L. Muir, Esq.